

REFERENCE TITLE: **forcible entry and detainer; judgments**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1107

Introduced by
Senators Leff, Huppenthal: Gray L, Johnson; Representative Konopnicki

AN ACT

AMENDING SECTION 12-1178, ARIZONA REVISED STATUTES; RELATING TO FORCIBLE ENTRY AND DETAINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to
3 read:

4 12-1178. Judgment: writ of restitution: limitation on issuance

5 A. If the defendant is found guilty, the court shall give judgment for
6 the plaintiff for restitution of the premises, for all charges stated in the
7 rental agreement and for damages, attorney fees, court and other costs and,
8 at the plaintiff's option, ~~for~~ all rent found to be due and unpaid through
9 the periodic rental period, as described in section 33-1314, subsection C, as
10 provided for in the rental agreement, and shall grant a writ of restitution.
11 If the defendant's social security number is contained on the complaint at
12 the time of judgment, the person designated by the judge to prepare the
13 judgment shall ensure that the **LAST FOUR DIGITS OF THE** defendant's social
14 security number ~~is~~ **ARE** contained on the judgment.

15 B. If the defendant is found not guilty, judgment shall be given for
16 the defendant against the plaintiff for damages, attorney fees, ~~—~~ **AND** court
17 and other costs, and if it appears that the plaintiff has acquired possession
18 of the premises since commencement of the action, a writ of restitution shall
19 issue in favor of the defendant.

20 C. No writ of restitution shall issue until the expiration of five
21 calendar days after the rendition of judgment. The writ of restitution shall
22 be enforced as promptly and expeditiously as possible. The issuance or
23 enforcement of a writ of restitution shall not be suspended, delayed, ~~—~~ or
24 otherwise affected by the filing of a motion to set aside or vacate the
25 judgment or similar motion unless a judge finds good cause.